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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,207	12/22/2000	Gary Lee Diven	PU000168	1078

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EXAMINER

GEMMELL, ELIZABETH M

ART UNIT PAPER NUMBER

2882

DATE MAILED: 06/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,207

Applicant(s)

DIVEN ET AL.

Examiner

Elizabeth Gemmell

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-14 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Receipt is acknowledged of amendments filed 14 April 2003.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3-8 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashiba et al (US Patent 4,780,641; hereinafter Hashiba) in view of Ito et al. (US Patent 5,672,935; hereinafter Ito).

Re claims 1 and 11: Hashiba discloses, in figure 5 and throughout the disclosure, an apparatus for retaining a damper wire on a grill type mask assembly in a cathode ray tube comprising:

- a grill type mask assembly having a frame (13) and a mask (3);
- a damper spring (21) having a first metallic layer disposed on a second metallic layer (column 3, lines 20+),
- the damper spring having a first and an opposing second end, wherein the second end is coupled to the frame (column 2, lines 26+);
- and a tab (22) is formed on the damper spring and adapted to accept the damper wire that traverses the mask.

Although Hashiba is silent in regards to the material the first layer is made of, one of ordinary skill in the art would recognize that since Hashiba does disclose seam welding the stainless steel strip to the spring, the first layer would have to be metallic because seam welding can only occur between two metal pieces.

Hashiba fails to disclose the first metallic layer being materially different from the second metallic layer.

Ito discloses a first metallic layer being of a high expansion coefficient metal and a second metallic layer being of a low expansion coefficient metal, which are therefore materially different.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine the damper spring disclosed by Hashiba with that of Ito because by using two materially different metallic layers, the spring is able to have a temperature correction mechanism (column 1, lines 34+). By having a temperature correction mechanism, the spring is able to be pliable when the temperature rises in the cathode ray tube yet be ridged enough to keep the damper wire taut in order to prevent damage to the cathode ray tube from a vibration of the mask.

Re claims 3: Hashiba shows all the limitations as seen above.

However, Hashiba fails to disclose the first metallic layer comprising carbon steel.

Ito discloses a first metallic layer comprised of a low expansion layer.

One of ordinary skill in the art at the time the invention was made would recognize that carbon steel is a low expansion metal. Therefore, one of ordinary skill in the art at the time the invention was made would have been motivated to combine the damper spring disclosed by Hashiba with that of Ito because by using a low expansion metal such as carbon steel, the damper spring is more pliable with the high temperatures within the tube. When the higher temperatures exist within the tube, the tension of the mask is developed and the displacement is secured.

Re claim 4: Hashiba discloses, in column 3, line 21, the second metallic layer comprised of stainless steel.

Re claim 5: Hashiba discloses, in figure 3 and throughout the disclosure, the first metallic layer disposed on the inner surface of the damper spring (21) for allowing the damper spring to curl inward and unload the damper wire during high temperatures.

Re claim 6: Hashiba discloses, in figure 3 and throughout the disclosure, the second metallic layer disposed on an outer surface of the damper spring for allowing the damper spring to exert tension on the damper wire during normal operating temperature (7).

Re claim 7: Hashiba discloses, in figure 3 and throughout the disclosure, the first end of the damper spring having a curvature perpendicular to the first end of the

damper spring, for allowing the damper wire attached to the tab to have a controllable elevation with respect to the mask.

Re claim 8: Hashiba discloses, in column 3, lines 20+, the damper wire coupled between the tab and the damper spring by welding the damper wire to the tab and the damper spring.

Re claim 10: Hashiba discloses, in figure 3 and throughout the disclosure, an apparatus for retaining a damper wire proximate a grill type mask assembly in a cathode ray tube comprising:

- a mask assembly having a frame (13) and a mask (3);
- a damper spring (21) comprising a first end having a curvature and an opposing second end, wherein the second end is coupled to the frame, the first end having a curvature aligned with an edge of the mask for adjustably defining an elevation level of the damper wire with respect to the mask.

Re claim 12: Hashiba discloses, in figure 3 and throughout the disclosure, the first and second layer are coupled to form a bi-metal arrangement.

Re claim 13: Hashiba discloses, in column 3, lines 20+, a damper wire that traverses the mask is coupled to the first and second layers that compensate for a change in length of the damper wire induced by temperature changes.

Re claim 14: Hashiba discloses, in figure 3 and throughout the disclosure, a tab (22) formed on the damper spring and adapted to accept the damper wire.

Allowable Subject Matter

Claim 9 remains objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: as set forth in Paper #5.

Response to Arguments

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Gemmell whose telephone number is (703) 305-1937. The examiner can normally be reached on Monday-Thursday 6:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (703) 308-4858. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


emg

June 19, 2003


EDWARD J. GLICK
Supervisor Patent Examiner
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